

### **REMARKS**

This Amendment is filed in response to the Advisory Action mailed April 16, 2007 and further in response to the Office Action mailed December 28, 2006. All objections and rejections are respectfully traversed.

Claims 1-69 are pending in the case.

No claims have been amended.

New claims 60-69 are added.

### **Request for Interview**

The Applicant respectfully requests a telephonic interview with the Examiner after the Examiner has had an opportunity to consider this Amendment, but before the issuance of the next Office Action. The Applicant may be reached at 617-951-3074.

### **Rejections Under 35 U.S.C. §§ 102, 103.**

Applicant respectfully resubmits and reasserts the arguments made in Applicant's response filed on March 28, 2007. In the Final Office Action, the Examiner asserted that "The means for identifying a dependency upon the PCPIs is the existence of a softlock (mutex per Kuftedjian) because it is the mutex that results in the dependency of the PCPIs." (Page 5, lines 6-9). Applicant submits that, contrary to the Examiner's assertion, the present application discloses and claims that the soft lock is a result of the dependency upon a PCPI. Applicant respectfully maintains that since Kuftedjian does not teach or suggest "means for identifying a dependency upon a set of PCPIs", the rejections over Kuftedjian should be withdrawn.

To more clearly claim the invention, new claims 60-69 are added. Representative of the new claims is claim 60 which recites:

60. A computer data storage system cluster comprising:
- a primary storage system including an active file system;
  - a persistent consistency point image (PCPI) consisting of a point-in-time image of the active file system;
  - at least one mirror image of the PCPI, the mirror image being stored on a downstream storage system; and
  - at least one soft lock issued by the downstream storage system **in response to an application being dependent upon the PCPI**, the soft lock consisting of a data structure configured to prevent changes to the PCPI.

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims and are therefore also allowable.

Reconsideration is respectfully requested.

In the event that the Examiner deems personal contact desirable in disposition of this case, the Examiner is encouraged to call the undersigned attorney at (617) 951-2500.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

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